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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,221

08/27/2003

Kenichiro Uotani

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NEW YORK, NY 10112

EXAMINER

QIN, YIXING

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/648,221	Applicant(s) UOTANI, KENICHIRO	
	Examiner Yixing Qin	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 6, 7, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Onodera (U.S. PG Pub. No. 2001/0026531)

Regarding claims 1, 7, 13 Onodera discloses an image processing method which is used to confirm a layout when an image is formed onto a recording medium on the basis of an application, comprising:

an image forming step of forming the image based on said application; (Fig. 3)
and

a display control step of controlling a process for displaying said image so that a portion corresponding to an inside of said recording medium of the image formed in said image forming step and a portion corresponding to an outside of said recording medium can be discriminated. (In Fig. 3, one can see how the inside and the outside portions of the CD can be labeled with different information. In this case, the inside has the label,

"My Favorite Music and Created MM/DD and the outside has "ABC and DEFGH Corporation.")

Regarding claims 6, 12, Onodera discloses a method according to claim 1, wherein

said image processing method is a method which is used to display a print preview of print data formed by an arbitrary application before said print data is print-processed, and (Fig. 13)

in said display control step, in the case of print-outputting said print data onto said recording medium in a disk shape including a CD or a DVD, a process for displaying said image so that a difference between a portion which is printed onto said disk-shaped recording medium and a portion which is printed to an outside of said disk-shaped recording medium can be visually discriminated. (In Fig. 3 shows the inside and the outside portions of the CD can be labeled with different information. In this case, the inside has the label, "My Favorite Music and Created MM/DD and the outside has "ABC and DEFGH Corporation.")

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Onodera (U.S. PG Pub. No. 2001/0026531)

Regarding claims 2, 8, the Onodera reference discloses a method for print previewing a CD label.

It does not explicitly disclose "further comprising a discriminating step of discriminating, by discriminating means, whether a first mode of forming the image onto a first recording medium having a shape which is matched with a layout corresponding to a general application has been set or a second mode of forming the image onto a second recording medium having a shape which is mismatched with the layout corresponding to said general application has been set,

and wherein if it is determined in said discriminating step that said second mode has been set, said display control step is executed. "

However, Onodera discloses in Fig. 13b a preview showing a disc with information writing on it. P[0124-0126] discloses how the preview asks a user whether it is ok to go ahead with the print. Thus, the preview can potentially show either a match or a mismatch depending on whether the use sees the image label to be printed as being appropriately placed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a print preview like that of Onodera to view whether a label is appropriately placed to be printed.

The motivation would have been to allow an user to preview a print so that a mistake in the placement of a label can be avoided prior to printing.

Therefore, it would have been obvious to use Onodera to obtain the invention as specified.

Regarding claims 3, 4, 9, 10, Onodera discloses a method according to claim 1, further comprising a recognizing step of recognizing a size of said recording medium as a type of said recording medium in accordance with contents of an instruction from a user/ automatically recognizing,

and wherein said display control step is controlled in accordance with the type of said recording medium recognized in said recognizing step. (P[0014] discloses that once a CD is inserted, an user can operate switches to write the pit art on the CD. This inherently indicates that some sort of recognition of the medium has occurred. Since it has been well known to identify a medium by both a user and automatic methods, it would be obvious to use either method in this case as well.)

Regarding claims 5, 11, Onodera discloses a method according to claim 2, further comprising a selecting step of selecting, by selecting means, whether said display control step is executed or not,

and wherein if it is determined by said discriminating step that said second mode has been set and if it is selected by said selecting step that said display control step is

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executed, said display control step is executed. (Fig. 13 shows that the display preview is selected and a print preview is shown to the user)

Conclusion

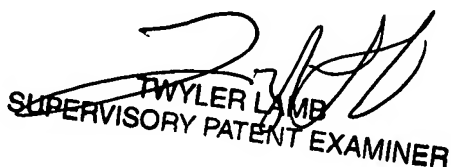
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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SUPERVISORY PATENT EXAMINER